



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

AW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,444	07/12/2001	Bruce Everett Randall	2001P11673US	9718

7590 11/06/2003

Harold C. Moore
Maginot, Addison & Moore
Bank One Center/Tower
111 Monument Circle, Suite 3000
Indianapolis, IN 46204-5115

EXAMINER

KIM, PAUL L

ART UNIT	PAPER NUMBER
----------	--------------

2857

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,444

Applicant(s)

RANDALL ET AL.

Examiner

Paul L Kim

Art Unit

2857

Aw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-15 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 16 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 5, 9, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnston et al.

With regard to claims 1 and 9, Johnston et al teaches an apparatus for generating clock information comprising: a source of power line timing information (fig. 5, part 68), a source of externally-generated precision time information (fig. 5, part 72), and a timing circuit coupled to the source of precision time information to receive a precision time signal, the timing circuit operable to generate clock information based on the precision time signal, the timing circuit further operable to generate clock information based on the power line timing information (fig. 5, part 70).

With regard to claims 4 and 13, Johnston et al teaches the power line timing information including a pulse signal derived from a power line signal (col. 14, lines 50-55).

With regard to claims 5 and 14, Johnston et al teaches the power line timing information derived from zero crossings of a power line signal (fig. 5, part 68).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston et al in view of Griffin et al.

With regard to claims 6 and 21, Johnston et al does not specify a delay coupled between the source of power line timing information and the timing circuit. Griffin et al teaches an electric meter having a precision time clock that uses a delay to adjust power measurement (col. 11, lines 28-33). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Johnston et al, so that a delay is used, as taught by Griffin et al, in order to derive the benefit of accurate data processing and enhanced reliability.

With regard to claim 17, Johnston et al teaches an electricity meter (col. 3, lines 49-55) comprising: a sensor circuit generating voltage and current measurement signals (col. 5, lines 28-39), a source of power line timing information (fig. 5, part 68), a source of externally generated precision time information (fig. 5, part 72), and a timing circuit coupled to the source of precision time information to receive a precision time signal, the timing circuit operable to generate clock information based on the precision time signal, the timing circuit further operable to generate clock information based on the power line timing information (fig. 5, part 70).

Griffin et al, however, does not specify a memory storing energy data. Griffin et al teaches an electricity meter consisting of a clock circuit and an externally generated time signal consisting of a memory for storing clock and energy data (fig. 3, part 53). Since Johnston et al and Griffin et al are both within the art of generating accurate electric metering information by an external time clock, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Johnston et al, so that a memory is used to record data, as taught by Griffin et al, so as to derive the benefit of increased system reliability in case of power failure.

With regard to claim 20, Johnston et al teaches the power line timing information including a pulse signal derived from a power line signal (col. 14, lines 50-55).

Allowable Subject Matter

5. Claims 2, 3, 7, 8, 10-12, 15, 16, 18, 19, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

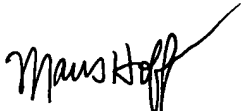
6. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 703-305-7468. The examiner can normally be reached on Monday-Thursday 10:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-4440 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK
November 2, 2003


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800